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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

JANE DOE,	)	No. 23-cv-05925-LJC
	)	
Plaintiff,	)	<b>STIPULATION RE RESPONSE DATE,</b>
	)	<b>PROCEDURAL ORDER, AND CASE</b>
v.	)	<b>MANAGEMENT CONFERENCE; <del>PROPOSED</del></b>
	)	<b>ORDER AS MODIFIED</b>
XAVIER BECERRA,	)	
	)	
Defendant.	)	

Plaintiff Jane Doe, proceeding *pro se*, and Defendant Xavier Becerra, by and through its counsel, stipulate as follows:

1. November 16, 2023, Plaintiff filed under seal a complaint to obtain judicial review of a decision by the Medicare Appeals Council pursuant to 42 U.S.C. § 1395ff(f)(2)(A). Dkt. No. 1.
2. The same day, this Court issued two orders: a “Procedural Order for Review of Social Security Decision under 42 U.S.C. 405(g),” and an “Order Setting Initial Case Management Conference and ADR Deadlines.” The Court set an Initial Case Management Conference for February 15, 2024.
3. On January 19, 2024, pursuant to the parties’ stipulation, the Court entered an Order as Modified permitting Plaintiff to proceed pseudonymously and unsealing the case. Dkt. No. 14. The Court ordered Plaintiff to file her complaint on the unsealed docket by January 26, 2024.

1           4.       Plaintiff submitted her Amended Complaint for filing on January 24, 2024. The docket  
2 shows that the Amended Complaint was filed on January 29, 2024. Dkt. No. 17.

3           5.       The parties believe that the response to the Amended Complaint is due February 12,  
4 2024, per Federal Rule of Civil Procedure 15(a)(3). The Procedural Order for Social Security Cases that  
5 the Court entered on November 16, 2024, indicates that Defendant shall serve and file an answer within  
6 60 days after notice of the action is given under Supplemental Rule 3. However, Supplemental Rule 3  
7 applies to actions seeking review of a decision of the Commissioner of Social Security pursuant to 42  
8 U.S.C. § 405(g). This action seeks review not of a Social Security decision but of a decision of the  
9 Medicare Appeals Council. The parties seek to clarify that the Procedural Order for Review of Social  
10 Security Decisions does not apply to this case.

11          6.       The parties have engaged in an initial meet and confer and have agreed that they would  
12 like to have an opportunity to explore a possible resolution of this matter without the need for Court  
13 intervention. In addition, Plaintiff will be undergoing a medical procedure in early March and  
14 anticipates that she will need several months to recover. For these reasons, the parties have agreed,  
15 subject to the Court's approval, that the deadlines for Defendant's response to the amended complaint,  
16 the case management conference, and any briefing schedule for cross-motions for summary judgment be  
17 continued to allow additional time for the parties to explore a possible resolution of this matter.

18          7.       Defendant is in the process of preparing the administrative record. Once it has been  
19 prepared, Defendant will transmit the administrative record to Plaintiff and file a Notice of Transmittal  
20 of Administrative Record. The parties anticipate that process will be completed by February 16, 2024.  
21 If this case continues and the administrative record will need to be filed with the Court, Defendant or  
22 Plaintiff may file an administrative motion to file the record under seal.

23          8.       Accordingly, the parties hereby stipulate, and request that the Court enter an order, as  
24 follows:

- 25               a.       The deadline for Defendant to respond to the complaint shall be extended to June  
26                       3, 2024;
- 27               b.       The case is not subject to the Procedural Order for Review of Social Security  
28                       Decision Under 42 U.S.C. § 405(g), entered by this Court on November 16, 2023.

- c. The Case Management Conference currently scheduled for February 15, 2024 shall be continued to June 20, 2024;
- d. Defendant shall file a Notice of Transmittal of Administrative Record by February 16, 2024;
- e. The parties will provide the Court with a joint status report by June 13, 2024, in which they will (1) report on the status of the parties' meet and confer; and either (2) request additional time to complete the meet and confer process, or (3) propose a schedule for the filing of the administrative record and a briefing and hearing schedule for cross-motions for summary judgment. At that time, the parties may request a further continuance of the Case Management Conference or, if the need arises, request to appear at a Case Management Conference.

The parties respectfully submit that this is the most efficient manner in which to proceed and will conserve both the parties' and the Court's resources.

#### ATTESTATION

In accordance with Civil Local Rule 5-1(i)(3), the filer of this document attests that all signatories listed below concur in the filing of this document.

DATED: February 5, 2024

Respectfully submitted,

ISMAIL J. RAMSEY  
United States Attorney

/s/ Pamela T. Johann

PAMELA T. JOHANN  
Assistant United States Attorney

Attorneys for Defendant UNITED STATES

DATED: February 8, 2024

JANE DOE

/s/ Jane Doe

JANE DOE

Plaintiff

~~PROPOSED~~ ORDER AS MODIFIED

Pursuant to the stipulation of the parties, and good cause appearing therefor, IT IS SO ORDERED.

1. The deadline for Defendant to respond to the complaint shall be extended to June 3, 2024;
2. The case is not subject to the Procedural Order for Review of Social Security Decision Under 42 U.S.C. § 405(g), entered by this Court on November 16, 2023.
3. The Case Management Conference currently scheduled for February 15, 2024 shall be continued to June 20, 2024 at 1:30 p.m. *Because Plaintiff is pro se and is proceeding in this action under a pseudonym to protect her identity from public disclosure (see ECF No. 14), the Case Management Conference shall be a non-public hearing held via Zoom. The Court shall use its non-public Zoom Meeting for the Case Management Conference, which can be accessed at <https://www.cand.uscourts.gov/judges/lisa-j-cisneros-ljc/>*
4. Defendant shall file a Notice of Transmittal of Administrative Record by February 16, 2024;
5. The parties will provide the Court with a joint status report by June 13, 2024, in which they will (1) report on the status of the parties' meet and confer; and either (2) request additional time to complete the meet and confer process, or (3) propose a schedule for the filing of the administrative record and a briefing and hearing schedule for cross-motions for summary judgment. At that time, the parties may request a further continuance of the Case Management Conference or, if the need arises, request to appear at a Case Management Conference.

DATED: February 8, 2024

  
THE HON. LISA J. CISNEROS  
United States Magistrate Judge